IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24332 of 2004

Between:

Dr. Ch. Vijaya Kumar, S/o. Ch. Ruben,
AC College, Guntur.

..... PETITIONER

AND

1. The Commissioner of Collegiate Education, Government of Andhra Pradesh, Hyderabad.
2. The Principal Secretary, Higher Education, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
3. The Correspondent, AC College, Guntur.
4. The Principal, AC College, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus declaring the action of respondents 1 and 2 in not according permission to the fourth respondent in absorbing the petitioner in the grant in aid vacancy post of Lecturer in History though the proposal was submitted in the month of October, 2001 as illegal, improper, unjust, arbitrary and contrary to law and further direct respondents 1 and 2 to absorb the petitioner in the existing aided vacancy of Lecturer in History caused due to promotion of Sri M. Mohan Das Kumar with effect from 11-10-2001 with all consequential benefits including monetary, seniority etc.,

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 and 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent Nos.3 and 4:

The Court at the admission stage made the following Order:

The petitioner filed the present writ petition seeking a Writ of Mandamus declaring the action of respondents 1 and 2 in not according permission to the fourth respondent to absorb the petitioner in the grant-in- aid vacancy of lecturer in History though the proposal was submitted in the month of October, 2001 as illegal and arbitrary.

Learned counsel for the petitioner contended that the petitioner was duly selected in the selection process in the unaided post and thereafter as and when the vacancies arise in the aided posts, the petitioner has to be absorbed in the aided vacancy and therefore, the fourth respondent made recommendations to the first respondent to absorb the petitioner. He further contended that since no action has been taken by the respondents 1 and 2 on the recommendations made by the fourth respondent, the petitioner has filed the present writ petition.

On the other hand, learned Government Pleader for Higher Education contended that there is procedure for selecting the candidates to the posts of aided vacancy and the respondents 1 and 2 have to follow the procedure in accordance with rules and regulations. Hence, she contended that the petitioner has no right to claim for absorption in the aided vacancy of the fourth respondent College.

Learned counsel for the petitioner brought to the notice of this Court the proceedings

dated 24.08.2001 issued by Commissioner and Director of Collegiate Education-first respondent, whereunder three persons were absorbed into grant-in-aid vacancies as lecturers in the same College and even the first respondent approved the absorption of one Ms.N.Vidyullatha Devi as lecturer in Zoology in the grant-in-aid post vide proceedings dated 23.12.2000. In previous instances also, the candidates who were working in unaided posts have been absorbed in grant-in-aid vacancies.

Hence, the writ petition is disposed of directing the respondents 1 and 2 to consider the case of the petitioner for absorption into grant-in-aid vacancy with reference to the proposals submitted by the fourth respondent and also in accordance with the Rules and regulations within a period of two months from the date of receipt of a copy of this order. No costs.

18.01.2005

usd

To

1. The Commissioner of Collegiate Education, Government of Andhra Pradesh, Hyderabad.

2. The Principal Secretary, Higher Education, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

3. The Correspondent, AC College, Guntur.

4. The Principal, AC College, Guntur.

5. Two CCs to G.P. for Higher Education, A.P.High Court Buildings, Hyderabad (OUT).

6. Two CD copies.